

Patent Application No. 09/848,450
Attorney Docket No. 1999-118 (81841.0139)

REMARKS/ARGUMENTS:

Claims 1, 18, and 35 are amended. Support for the amendments to claims 1, 18, and 35 can be found in Figures 2 and 3, and at page 7, lines 22-30 of the Applicant's specification. Claims 1-47 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-8, 14-24, 30-39, and 45-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kodama et al. (U.S. Patent No. 6,599,749). The Applicant respectfully traverses this rejection.

Claim 1, as amended, is as follows:

An apparatus for presenting sample racks to an automated analyzer, comprising:

- a. a sample rack onload section, a sample rack presentation section, and a sample rack offload section;
- b. said sample rack onload section having an onload queue area, and an onload moving mechanism for moving said sample racks placed on said onload queue area to said sample rack presentation section;
- c. said sample rack presentation section having a transfer area connected to said onload queue area of said sample rack onload section for receiving said sample racks from said sample rack onload section, a sample presentation area adjacent to said automated analyzer for presenting sample racks for aspiration, and a presentation moving mechanism, movable between said transfer area and said presentation area for moving at least one of said sample

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racks from said transfer area to said presentation area for a sample aspiration and subsequently moving said at least one of said sample racks from said presentation area back to said transfer area after a sample aspiration, wherein said transfer area can hold a plurality of said sample racks, wherein said plurality of sample racks can be presented simultaneously in said presentation area; and

- d. said sample rack offload section having an offload area connected to said transfer area of said sample rack presentation section for receiving said sample racks from said sample rack presentation section after a sample aspiration, and an offload moving mechanism for moving said sample racks received from said sample rack presentation section to a sample rack offload tray.

Applicant respectfully submits that Kodama cannot anticipate claim 1, because Kodama fails to teach a transfer area that can hold a plurality of sample racks, wherein said plurality of sample racks can be presented simultaneously in said presentation area. The Examiner refers to the rack transfer devices of Kodama (items 25a and 25b; Figure 2) as being a transfer area with presentation moving mechanisms for transferring the sample racks at the reception ports 16a and 16b to the delivery ports 17a and 17b. The Examiner states, "Each of the rack transfer devices has a construction such that a belt to which a movable hook is attached for pushing and moving the sample rack is wound around the shaft of the motor and a pulley and the belt is rotated or reciprocated." The Applicant respectfully submits that what the Examiner refers to as a transfer area is not a transfer area, but rather a conveyance line along which individual sample racks move.

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Kodama cannot make claim 1 obvious. Kodama has no teaching or suggestion whatsoever of a transfer area, much less a transfer area that can hold a plurality of sample racks, wherein said plurality of sample racks can be presented simultaneously in said presentation area. In the present invention, multiple racks from the onload queue are pushed into the transfer area 32. These racks are then moved into the presentation area for sample aspiration by a presentation tray 38. (Applicant's specification, page 7, lines 13-21). Thus, the present invention has the advantage that multiple racks can be held in the transfer area prior to being simultaneously transferred into the presentation area for sample.

In light of the foregoing, Applicant respectfully submits that Kodama could not have anticipated or rendered obvious claim 1, because Kodama fails to teach or suggest each and every claim limitation. Claims 2-8 and 14-17 depend from claim 1 and cannot be anticipated or rendered obvious for at least the same reasons as claim 1. Withdrawal of these rejections is thus respectfully requested.

Claims 18-24, 30-39, and 45-47, likewise, have the limitation of a transfer area, wherein said transfer area can hold a plurality of said sample racks, wherein said plurality of sample racks can be presented simultaneously in said presentation area. Therefore, these claims are patentable over Kodama for the same reasons discussed above. Withdrawal of these rejections is thus respectfully requested.

Claims 1-8, 14-24, 30-39, and 45-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sakazume et al. (U.S. Patent No. 6,444,171).

Applicant respectfully submits that Sakazume cannot anticipate or render obvious claims 1-8, 14-24, 30-39, and 45-47, because Sakazume fails to teach or suggest a transfer area that can hold a plurality of sample racks, wherein said plurality of sample racks can be presented simultaneously in said presentation area. The Examiner, although not explicitly stating so, presumably considers the rack transfer devices of Sakazume (items 371, 372, 381, 382; Figure 1) to be transfer areas. In Sakazume,

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"The second analysis unit 20 and the third analysis unit 30 are provided with built-in type by-pass lines 21, 31 of the same construction. Further, these analysis units 20, 30 have sample rack transfer devices 371, 372, 381, 382. A sample rack arriving at delivery positions 224, 253 to each analysis unit is moved over to rack reception positions 231, 241 on by-pass line 21, 31 by transfer devices 371, 381. Further, the sample rack after completing its pipetting processing is transferred from delivery positions 236, 246 on by-pass lines 21, 31 to rack reception positions 252, 254 on the second conveyer line 52 by transfer devices 372, 382." (Sakazume, column 5, lines 40-50; Figure 1).

Thus, in Sakazume, the transfer device moves individual sample racks from one conveyance line to another conveyance line. Therefore, Sakazume suffers from the same defect as Kodama. Consequently, claims 1-8, 14-24, 30-39, and 45-47 are patentable over Sakazume for the same reasons discussed above. Withdrawal of these rejections is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103:

Claims 9-10, 12, 25, 26, 28, 40, 41, and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kodama et al. (U.S. Patent No. 6,599,749). The Applicant respectfully traverses this rejection.

Claims 9-10, 12, 25, 26, 28, 40, 41, and 43 depend from at least one claim rejected over Kodama, discussed above. Therefore, claims 9-10, 12, 25, 26, 28, 40, 41, and 43 cannot be rendered obvious over Kodama for at least the same reasons discussed above. Withdrawal of these rejections is thus respectfully requested.

Claims 9-10, 12, 25, 26, 28, 40, 41, and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakazume et al. (U.S. Patent No. 6,444,171). The Applicant respectfully traverses this rejection.

Claims 9-10, 12, 25, 26, 28, 40, 41, and 43 depend from at least one claim rejected over Sakazume, discussed above. Therefore, claims 9-10, 12, 25, 26, 28, 40,

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41, and 43 cannot be rendered obvious over Sakazume for at least the same reasons discussed above. Withdrawal of these rejections is thus respectfully requested.

ALLOWABLE SUBJECT MATTER:

The Examiner indicated that claims 11, 13, 27, 29, 42, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicant respectfully submits that since each of these claims depends from a claim that is believed to be patentable, claims 11, 13, 27, 29, 42, and 44 are believed to be patentable in their current form. Withdrawal of these objections is thus respectfully requested.

The art made of record but not relied upon by the Examiner has been considered. However, it is submitted that this art neither describes nor suggests the presently claimed invention.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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Date: March 16, 2004

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